

completes a management plan for the Preserve in accordance with section 3(b)(3), the Secretary may administer the Preserve in accordance with any management activities or plans adopted by the Trust under the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.), to the extent the activities or plans are consistent with section 3(b)(1).

(3) **PUBLIC USE.**—The Preserve shall remain open to public use during the interim management period, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) **VALLES CALDERA TRUST.**—

(1) **TERMINATION.**—The Trust shall terminate 180 days after the date of enactment of this Act unless the Secretary determines that the termination date should be extended to facilitate the transitional management of the Preserve.

(2) **ASSETS AND LIABILITIES.**—

(A) **ASSETS.**—On termination of the Trust—

(i) all assets of the Trust shall be transferred to the Secretary; and

(ii) any amounts appropriated for the Trust shall remain available to the Secretary for the administration of the Preserve.

(B) **ASSUMPTION OF OBLIGATIONS.**—

(i) **IN GENERAL.**—On termination of the Trust, the Secretary shall assume all contracts, obligations, and other liabilities of the Trust.

(ii) **NEW LIABILITIES.**—

(I) **BUDGET.**—Not later than 90 days after the date of enactment of this Act, the Secretary and the Trust shall prepare a budget for the interim management of the Preserve.

(II) **WRITTEN CONCURRENCE REQUIRED.**—The Trust shall not incur any new liabilities not authorized in the budget prepared under subclause (I) without the written concurrence of the Secretary.

(3) **PERSONNEL.**—

(A) **HIRING.**—The Secretary and the Secretary of Agriculture may hire employees of the Trust on a noncompetitive basis for comparable positions at the Preserve or other areas or offices under the jurisdiction of the Secretary or the Secretary of Agriculture.

(B) **SALARY.**—Any employees hired from the Trust under subparagraph (A) shall be subject to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(C) **INTERIM RETENTION OF ELIGIBLE EMPLOYEES.**—For a period of not less than 180 days beginning on the date of enactment of this Act, all eligible employees of the Trust shall be—

(i) retained in the employment of the Trust;

(ii) considered to be placed on detail to the Secretary; and

(iii) subject to the direction of the Secretary.

(D) **TERMINATION FOR CAUSE.**—Nothing in this paragraph precludes the termination of employment of an eligible employee for cause during the period described in subparagraph (C).

(4) **RECORDS.**—The Secretary shall have access to all records of the Trust pertaining to the management of the Preserve.

(5) **VALLES CALDERA FUND.**—

(A) **IN GENERAL.**—Effective on the date of enactment of this Act, the Secretary shall assume the powers of the Trust over the Fund.

(B) **AVAILABILITY AND USE.**—Any amounts in the Fund as of the date of enactment of this Act shall be available to the Secretary for use, without further appropriation, for the management of the Preserve.

## SEC. 5. REPEAL OF VALLES CALDERA PRESERVATION ACT.

(a) **REPEAL.**—On the termination of the Trust, the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.) is repealed.

(b) **EFFECT OF REPEAL.**—Notwithstanding the repeal made by subsection (a)—

(1) the authority of the Secretary of Agriculture to acquire mineral interests under section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v-2(e)) is transferred to the Secretary and any proceeding for the condemnation of, or payment of compensation for, an outstanding mineral interest pursuant to the transferred authority shall continue;

(2) the provisions in section 104(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-2(g)) relating to the Pueblo of Santa Clara shall remain in effect; and

(3) the Fund shall not be terminated until all amounts in the Fund have been expended by the Secretary.

(c) **BOUNDARIES.**—The repeal of the Valles Caldera Preservation Act (16 U.S.C. 698v et seq.) shall not affect the boundaries as of the date of enactment of this Act (including maps and legal descriptions) of—

(1) the Preserve;

(2) the Santa Fe National Forest (other than the modification made by section 4(b));

(3) Bandelier National Monument; and

(4) any land conveyed to the Pueblo of Santa Clara.

## SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in reintroducing a bill to designate the Valles Caldera National Preserve in New Mexico as a unit of the National Park System. The Valles Caldera is one of the largest volcanic calderas in the world. The vast grass-filled valleys, forested hillsides, and numerous volcanic peaks make the area a treasure to New Mexico, and a landscape of national significance millions of years in the making. It is appropriate that an area of such value be protected in perpetuity as a unit of the National Park Service.

Around 1.5 million years ago a series of explosive rhyolitic eruptions created the massive caldera and dropped hundreds of meters of volcanic ash for miles. This volcanic activity gave the Pajarito Plateau its distinctive cliffs of pink and white tuff overlaying the black basalts of the Rio Grande Rift.

In the millennia following the caldera's explosive creation, erosion and weathering carved vibrant canyons and left pinion-topped mesas stretching like fingers away from the massive crater. In time, magma and water drained from the great valley, and a diversity of plants and wildlife took their place. With such resources and natural beauty, it is no wonder that for millennia people have also been an integral part of the Valles Caldera.

For the Pueblo Tribes of northern New Mexico, the Valles Caldera has been a part of life from time immemorial. The continued cultural and religious significance of the area must and will be respected and protected as the preserve moves into the management of the National Park Service.

Private ownership of the Caldera began with Spanish settlers who introduced livestock to the grassy valleys that continue to fatten elk and cattle in the summer months. After a series of owners managed the caldera, the Federal Government finally purchased the area in 2000 through the Valles Caldera Preservation Act, which I was proud to help shepherd through Congress with Senator BINGAMAN and then-Senator Domenici. The subsequent creation of the Valles Caldera National Preserve included the establishment of a board of directors and the Valles Caldera Trust to manage the area, and mandates for stakeholder involvement and eventual financial self-sufficiency of the Trust.

I applaud the decade of work that both the Board of Trustees and the Valles Caldera Trust have dedicated to the preserve. The exceptional dedication of Caldera employees has led to the creation of a robust science and research program, to the development of incredible educational opportunities for visiting schools and universities, to a restoration of natural resources, and to an expansion of cutting-edge scientific research.

Since 1939, the National Park Service has deemed the area of significant national value because of its unique and unaltered geology, and its singular setting, which are conducive to public recreation, reflection, education, and research. By utilizing the resources and skills within the National Park Service, I believe the Valles Caldera National Preserve will continue to prosper as a natural wonder full of significant geology, ecology, history, and culture.

The bill that we introduce today reflects the comments and proposals that emerged through a successful committee process on a similar bill that Senator BINGAMAN and I introduced last year. In September 2010, the Committee on Energy and Natural Resources reported the bill out favorably, and it is my hope that the Committee will act quickly to move this reintroduced bill to the Senate floor for a vote. I look forward to working with Senator BINGAMAN and all of the stakeholders who care about the future of this preserve to complete our efforts to establish Park Service management of the preserve.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 98—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE SCHOOL BREAKFAST PROGRAM

Mr. KOHL (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. HARKIN, Mrs. GILLIBRAND, and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 98

Whereas participants in the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools, as well as rural, suburban, and urban schools;

Whereas in each of the school years beginning July 1, 2008, and July 1, 2009, 86.3 percent of schools that participated in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) also participated in the school breakfast program;

Whereas in each of the school years beginning July 1, 2008, and July 1, 2009, approximately 10,800,000 students in more than 86,000 schools participated in the school breakfast program on a typical day;

Whereas in fiscal year 2009, approximately 9,100,000 low-income children in the United States consumed free or reduced price school breakfasts on an average school day;

Whereas for every 100 children receiving free and reduced price lunches, approximately 47 children receive free and reduced price breakfasts;

Whereas in each of the school years beginning July 1, 2008, and July 1, 2009, less than half of eligible low-income children received breakfasts at school each day;

Whereas in fiscal year 2009, 62 percent of school lunches served, and 81 percent of school breakfasts served, were served to students who qualified for free or reduced priced meals;

Whereas the current economic situation (including the increase in families living below the poverty line) is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas implementing or improving classroom breakfast programs has been shown to increase the participation of eligible students in breakfast consumption dramatically, doubling, and in some cases tripling, numbers, as evidenced by research conducted in the States of Minnesota, New York, and Wisconsin;

Whereas making breakfast widely available through different venues or combinations, such as in the classroom, obtained as students exit a school bus, or outside the classroom, has been shown to lessen the stigma of receiving free or reduced price breakfasts, which often deters eligible students from obtaining traditional breakfasts in the cafeteria;

Whereas providing free universal breakfasts, especially in the classroom, has been shown to significantly increase school breakfast participation rates and decrease absences and tardiness;

Whereas studies have shown that access to nutritious meals under the school lunch program and the school breakfast program helps to create a strong learning environment for children and helps to improve the concentration of children in the classroom;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and work faster in math exercises than students who eat a partial breakfast;

Whereas studies suggest that eating breakfast closer to classroom and test-taking time improves student performance on standardized tests relative to students who skip breakfasts;

Whereas studies show that students who skip breakfasts are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger have been shown to be more likely to have lower math scores, face an increased likelihood of repeating a grade, and receive more special education services;

Whereas studies suggest that children who eat breakfasts have more adequate nutrition and intake of nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than children who do not eat breakfast;

Whereas children who fail to eat breakfasts, whether in school or at home, are more likely to be overweight than children who eat a healthy breakfast on a daily basis; and

Whereas March 7 through March 11, 2011, is National School Breakfast Week: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the overall positive impact of the program on the lives of low-income children and families, as well as the effect of the program on helping to improve the overall classroom performance of a child;

(2) expresses support for States that have successfully implemented school breakfast programs in order to improve the test scores and grades of participating students;

(3) encourages States—

(A) to strengthen school breakfast programs by improving access for students;

(B) to promote improvements in the nutritional quality of breakfasts served; and

(C) to inform students and parents of healthy nutritional and lifestyle choices;

(4) recognizes that the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) and amendments made by that Act provide low-income children with greater access to a nutritious breakfast nationwide;

(5) recognizes the impact of nonprofit and community organizations that work to increase awareness of, and access to, breakfast programs for low-income children; and

(6) recognizes that National School Breakfast Week celebrated from March 7 through March 11, 2011, helps draw attention to the need for, and success of, the school breakfast program.

SENATE RESOLUTION 99—EXPRESSING THE SENSE OF THE SENATE THAT THE PRIMARY SAFEGUARD FOR THE WELL-BEING AND PROTECTION OF CHILDREN IS THE FAMILY, AND THAT THE PRIMARY SAFEGUARDS FOR THE LEGAL RIGHTS OF CHILDREN IN THE UNITED STATES ARE THE CONSTITUTIONS OF THE UNITED STATES AND THE SEVERAL STATES, AND THAT, BECAUSE THE USE OF INTERNATIONAL TREATIES TO GOVERN POLICY IN THE UNITED STATES ON FAMILIES AND CHILDREN IS CONTRARY TO PRINCIPLES OF SELF-GOVERNMENT AND FEDERALISM, AND THAT, BECAUSE THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD UNDERMINES TRADITIONAL PRINCIPLES OF LAW IN THE UNITED STATES REGARDING PARENTS AND CHILDREN, THE PRESIDENT SHOULD NOT TRANSMIT THE CONVENTION TO THE SENATE FOR ITS ADVICE AND CONSENT

Mr. DEMINT (for himself, Mr. BARRASSO, Mr. BURR, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Mr. PAUL, Mr. RISCH, Mr. RUBIO, Mr. SESSIONS, Mr. VITTER, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 99

Whereas the Senate affirms the commitment of the people and the Government of the United States to the well-being, protection, and advancement of children, and the protection of the inalienable rights of all persons of all ages;

Whereas the Constitution and laws of the United States and those of the several States are the best guarantees against mistreatment of children in this Nation;

Whereas the Constitution, laws, and traditions of the United States affirm the rights of parents to raise their children and to impart their values and religious beliefs;

Whereas the United Nations Convention on the Rights of the Child, adopted at New York November 20, 1989, and entered into force September 2, 1990, if ratified, would become a part of the supreme law of the land, taking precedence over all State laws and constitutions;

Whereas the United States, and not the several States, would be held responsible for compliance with this Convention if ratified, and as a consequence, the United States would create an incredible expansion of subject matter jurisdiction over all matters concerning children, seriously undermining the constitutional balance between the Federal Government and the governments of the several States;

Whereas Professor Geraldine Van Bueren, the author of the principal textbook on the international rights of the child, and a participant in the drafting of the Convention, has described the “best interest of the child